

REMARKS

Claims 17 and 18 have been cancelled as improperly dependent.

As to whether the claims have a missing element

Applicants do not understand this rejection. There does not seem to be anything missing to the functioning of the apparatus from the claims as far as Applicants can tell. Applicants disagree with the Examiner's apparent position that software means cannot be considered a part of hardware. Software is a chameleon: it can be text on paper; it can be signals on a medium; and, in operation, it is the utterance of the work of a hardware device. At least some of the claims relate to a combination of hardware and software.

In an effort to clarify this point Applicants have amended the claims to recite a device for user selectably presenting information. It is then this device that comprises the flow zone means and the information selection means. Applicants hope that this solves whatever problem the Examiner has.

Applicants respectfully submit that this change is purely stylistic in nature, does not narrow the scope of the claims — if anything it broadens them — and therefore should not constitute a filewrapper estoppel.

As to whether there is a subject matter problem here

This rejection is respectfully traversed.

Contrary to what the Examiner appears to believe, MPEP 2106 does not require that the claims recite only hardware. The section excludes patentability for music, literature, art,

C:\My Documents\Anne\legal practice\philips\prosecution\17707 -- aud.doc

9

REMARKS

photographs, compilations of data, nonfunctional descriptive material, abstract concepts, numbers, ideas, and mathematical definitions of laws of nature or natural phenomena.

None of these are what the rejected claims recite. The claims relate to something very functional and specific, namely specific aspects of how information is selected and presented in a device. This is not a case of mere ideas or concepts. It is clearly not mathematics, a law of nature, or mere numbers. These recitations do not fall into any of the other prohibited categories either.

Moreover, the means plus function claims must be read as reading on the structures disclosed in the specification and their equivalents.

Accordingly, Applicants respectfully submit that the rejections under section 101 be withdrawn.

Art rejections

Since the references are many and/or complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Claim 1 has been amended to incorporate the limitations of claim 3. Claims 6, 7, 9, and 12 have also been amended to make them independent. As amended, Applicants respectfully submit that the claims now distinguish patentably over the references. New claims have been added which recite additional patentable distinctions over the references.

Applicants respectfully submit that the amendments to claims 6, 7, 9, and 12 do not change their scope and therefore should not generate a filewrapper estoppel; however if the

REMARKS

scope is regarded as being changed, the amendments 6, 7, 9, and 12 should be regarded as adding limitations to claim 1, rather than adding claim 1 to the dependent claims.

Claim 1 (formerly 3)

This claim recites that the flow control is arranged to stop the flow in response to the user statically selecting a location within the flow zone.

The Examiner cites Straub for this limitation; however Applicants read this reference differently. Applicants understand Straub to have flow control outside of the flow zone, not as a result of selecting a location within the flow zone. Accordingly, Applicants respectfully submit that Straub fails to teach or suggest the relevant recitations of the claimed invention.

Also, both Straub & Nawaz are complex references. Nawaz has 22 sheets of drawing and 18 columns of text, while Straub has 17 sheets of drawing and 22 columns of text. The idea that one of ordinary skill in the art would manage to find one obscure feature that was not the main thrust of the document out of one — and combine it with the other — comes from impermissible hindsight in view of Applicants' disclosure, not from the references.

Claim 6

This claim recites that the flow zone means (201) is arranged to alternately display links (103) and flow control areas (104). The selection of a location for controlling the flow is restricted to said flow control areas. In other words the flow control location is *in* the flow zone.

The Examiner points to col. 12, lines 36-40 and lines 45-65 of Nawaz for this limitation. Applicants respectfully disagree with this interpretation of Nawaz. This section of the reference

REMARKS

does not seem to disclose flow control areas **in the flow zone**. The described control 252 seems to be similar to an ActiveX control, i.e. program instructions, and not to a control panel (or flow control area).

Moreover, Applicants do not see the recited alternation.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against this claim.

Claim 7

This claim recites that the device is further arranged to display a selected information unit in a presentation zone (106). The information selection means (202) is arranged to select the information unit in response to the user selecting a link of the flow zone (102) and dragging it to the presentation zone.

The Examiner asserts that claim 7 is not inventive, because Bauersfeld teaches dragging a link to a presentation zone. Applicants respectfully disagree. Applicants see Bauersfeld mentioning dragging a link, not to a presentation zone, but rather into a proxy. Moreover, it does not appear that Bauersfeld relates to flowing links. Neither do Applicants find that Bauersfeld discloses **selecting the information unit to which the link points** when the link is dragged into a presentation zone. Applicants accordingly respectfully submit that claim 7 is not a combination of Nawaz and Bauersfeld.

Moreover, in making this rejection, the Examiner combines obscure parts of four long and complex references. In so doing, the Examiner is using Applicants' claims as a roadmap for selecting these parts, rather than the actual teachings and suggestions of the references.

Applicants respectfully submit that this is impermissible hindsight.

C:\My Documents\Anne\legal practice\Philips\prosecution\in37707 -- and.doc

12

REMARKS

Accordingly, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against this claim.

Claim 9

This claim recites that the device further comprises filtering means (206) comprising user selectable filters (105) for controlling the flow zone (102) to display only links to information units which meet a requirement imposed by a selected filter. The filtering means (206) are arranged to adapt the selected filter so as to display links to information units similar to the selected information unit.

The Examiner alleges that Nawaz discloses displaying links similar to a selected information unit. However, as Applicants read the reference, Nawaz only discloses offering an option to select a content provider. Applicants do not find that Nawaz discloses offering a user the possibility to select a flowing link and only displaying (in the flow) links similar to the link. Displaying data from a content provider fails to teach or suggest filtering links from the flow.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against this claim.

Claim 12

This claim recites that the frequency of display of an information unit in the flow zone is determined by its age and/or popularity.

In making this rejection, the Examiner combines obscure parts of FIVE long and complex references. In so doing, the Examiner is using Applicants' claims as a roadmap for making his

REMARKS

case, rather than the actual teachings and suggestions of the references. Applicants respectfully submit that this is impermissible hindsight.

The Examiner asserts that claim 12 is not inventive, because Nawaz teaches determining the frequency of an information unit in the flow zone and Aggarwal teaches display of an information unit by its popularity. As far as Applicants can tell, the cited portions of Nawaz in fact only teach enabling a user to change the speed of a ticker tape, not frequency of occurrence. Moreover, it is not clear that the cited portion of Aggarwal relates to a flow zone at all. Applicants therefore respectfully submit that claim 12 is not a combination of Nawaz and Aggarwal and that the Examiner has failed to make a *prima facie* case against this claim.

Claim 13

This claim is rejected over a combination of SIX long and complex references. Again the Examiner uses Applicants' claims as a roadmap, rather than indicating why the references teach or suggest that they should be combined.

Moreover, the Lochridge reference, cited as allegedly showing a table, when in fact it shows a workstation, rather than a table.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against this claim.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date.

REMARKS

New claims

The new claims recite additional patentable distinctions over the references. For instance, independent claims 19 and 22 relate to aspects of a user interface in a screen adapted for use in a horizontal plane. Claim 19 relates to detecting a user indication of a user position at a periphery of the screen; and rotating at least a portion of display elements on the screen to an orientation which appears upright at the user position. Claim 22 relates to the positioning of personal selection zones around the periphery of a screen adapted for a horizontal plane; and claim 19 relates to detecting a user indication. Independent claim 31 is a medium claim similar in scope to claim 7. Claim 34 relates to aspects of a table with a user interface.

REMARKS

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first class mail in an envelope addressed to	
Mail Stop _____ Commissioner for Patents P.O. Box 1450 Alexandria VA 22314-1450	
On _____	(date)
By _____	(signature)

Respectfully submitted,

By *A. E. Barschall*
Anne E. Barschall, Reg. No. 31,089
Tel. no. 914-332-1019
Fax no. 914-332-7719
Date of printing: September 3, 2004